

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**TRUSTEE'S MOTION TO MODIFY DEBTORS' CONFIRMED PLAN**

Now comes **CRAIG SHOPNECK**, the duly appointed, qualified, and standing Chapter 13 Trustee (“Trustee”) herein, and hereby moves this Honorable Court to modify the Debtors’ confirmed Chapter 13 Plan (“plan”) pursuant to Section 1329 of the Bankruptcy Code. In support of this motion, the Trustee makes the following representations to the Court:

1. The Debtors filed a petition under Chapter 13 of Title 11, U.S.C. on July 23, 2014. The Debtors' plan was confirmed on November 5, 2014. The Plan calls for a payment to the Trustee in the amount of \$1,490.44 per month, with the unsecured creditors receiving \$39.87 or a 0% dividend, whichever is greater.
2. At the time that the within case was filed in 2014, the Debtors listed income from wages on Schedule I as \$47,221 per year. A review of the Debtors' 2015 federal tax return and W-2 statements shows that the income from wages has increased to \$61,302.00 per year. As a result, the Debtors' income is somewhat higher than when this case was filed. After taking into consideration additional payroll taxes and cost of living increases in monthly expenses, the Trustee believes that the Debtors can now afford to increase their plan payment to \$1,625.00 per month.
3. The Debtors' confirmed plan indicates that the applicable commitment period is 36 months. The plan is currently running 66 months in length, according to the Trustee's calculations. Once the plan payment is increased as requested, the plan would run 60 months in length and the current feasibility issue would be resolved.
4. Section 1329(a)(2) of the Bankruptcy Code provides that the plan may be modified at any time after confirmation (but before completion of payments under the plan) to extend or reduce the time for plan payments. Section 1325(a) of the code requires that such a modification be offered in "good faith". Based on the information provided herein, it would be appropriate to modify the Debtors' plan to increase the plan payment to \$1,625.00 per month so as to reduce the plan length to 60 months.

**WHEREFORE** your Trustee, being a proper party in interest, hereby moves this Honorable Court to modify the debtors' Plan in accordance with the recommendations listed in this motion and for the reasons cited.

/s/ Craig Shopneck  
CRAIG SHOPNECK (#0009552)  
Chapter 13 Trustee  
200 Public Square, Suite 3860  
Cleveland OH 44114-2321  
Phone (216) 621-4268      Fax (216) 621-4806  
Ch13shopneck@ch13cleve.com

**CERTIFICATE OF SERVICE**

I certify that on June 14, 2016 a true and correct copy of this Motion to Modify Plan was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

William J Balena, on behalf of Dena L. & Ronald L. Pfenninger, Debtors  
at [Docket@Ohbksource.Com](mailto:Docket@Ohbksource.Com)

And by regular U.S. mail, postage prepaid, on:

Dena L. & Ronald L. Pfenninger, Debtors, at 173 Grafton Street, Oberlin, OH 44074

Afni Inc, P.O. Box 3667, Bloomington IL 61702

American Infosource Llc, As Agent For Midland Funding Llc, P.O. Box 268941, Oklahoma City OK 73126-8941

Asset Acceptance , Midland Credit Management , P.O. Box 2036, Warren MI 48090

Attorney General Of State Of Ohio, Collection Enforcement, 150 E Gay St21st Fl, Columbus OH 43215

Bank Of America Na, % Wells Fargo Bank - Bky Dept, 3476 Stateview Blvd. Mac D3347-014, Fort Mills SC 29715

Bank Of America Na , % Wells Fargo BkPymt Processing, One Home Campus Mac #X2302-04c, Des Moines IA 50328

Credit Acceptance Corporation, 25505 W 12 Mile Road #3000, Southfield MI 48034

Ecmc, Lockbox 8682 , P.O. Box 16478, St Paul MN 55116-0478

Educational Credit Management Corp, P.O. Box 16408, St Paul MN 55116-0408

Educational Credit Mgmt Corporation, Lockbox #8682, P.O. Box 16478, St Paul MN 55116-0478

Edward H Cahill, Manley Deas Kochalski Llc, P.O. Box 165028, Columbus OH 43216-5028

Equity Trust Company, Custodian Fbo Account Z142820 Ira, P.O. Box 16354, Rochester NY 14616-0354

First Federal Credit Control Inc, 24700 Chagrin Blvd., Cleveland OH 44122

Jon D Clark, Law Director City Of Oberlin, 85 South Main Street, Oberlin OH 44074

Lvnv Funding Llc, % Resurgent Capital Svs, P.O. Box 10587, Greenville SC 29603-0587

Mercy Medical Associates, Kevin B Wilson Law Offices, 2810 Walker Road #102, Chattanooga TN 37421

Midnight Velvet, % Creditors Bankruptcy Service, P.O. Box 740933, Dallas TX 75374

Oberlin Municipal Court, 85 S Main St, Oberlin OH 44074

Ohio Department Of Taxation, Rebecca Daum Bankruptcy Division, P.O. Box 530, Columbus OH 43216-0530

Ohio Permanente Medical Grp, % Kevin B Wilson Law Ofc, 2810 Walker Road #102, Chattanooga TN 37421

Sprint Corp, Attn Bankruptcy Dept, P.O. Box 7949, Overland Park KS 66207-0949

Sprint Corp, Attn Bankruptcy Dept, P.O. Box 3326, Englewood CO 80155-3326

Timothy M Sullivan, 25651 Detroit Road#203, Westlake OH 44145

United States Dept Of Education, Claims Filing Unit, P.O. Box 8973, Madison WI 53708-8973

United States Dept Of Education, P.O. Box 530229, Atlanta GA 30353-0229

/s/ Craig Shopneck  
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